

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Structure and Practices of the Video Relay	)	CG Docket No. 10-51
Service Program	)	
	)	
Telecommunications Relay Services and	)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals with	)	
Hearing and Speech Disabilities	)	

**REPLY COMMENTS OF FRONTIER COMMUNICATIONS CORPORATION**

Frontier Communications Corporation (“Frontier”) hereby submits the following reply comments in response to the Federal Communications Commission’s (“Commission” or “FCC”) Public Notice (*Notice*)<sup>1</sup> of request for comment on the proposed carrier contribution factor and funding requirement for the Interstate Telecommunications Relay Service (TRS) submitted by Rolka Loube Saltzer Associates (“RLSA” or “Administrator”), as well as the proposed compensation rates, for the period of July 1, 2013 through June 30, 2014. In particular, the *Notice* seeks comment on “whether RLSA’s recommended demand projection (409 million minutes) is the most appropriate one to calculate the funding requirement for the 2013-2014 TRS Fund year for IP CTS.”<sup>2</sup> Frontier believes, and the record unanimously confirms, that the RLSA projection for IP CTS significantly overstates demand for the upcoming Fund year. Accordingly, the Commission should instruct the Administrator to use the “Industry Projection” to calculate the contribution factor for the TRS Fund.

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<sup>1</sup> See, Public Notice, *Rolka Loube Saltzer Associates Submits Payment Formulas and Funding Requirement for the Interstate Telecommunications Relay Services Fund for the July 2013 Through June 2014 Fund Year*, DA 13-1137 (May 17, 2013) (*Notice*).

<sup>2</sup> *Id.* “IP CTS” refers to interstate and intrastate Internet Protocol captioned telephone service.

Frontier, as the nation's largest telecommunications provider focused on rural America, shares ITTA's view that "TRS are vital to many Americans with disabilities."<sup>3</sup> Accordingly, Frontier takes seriously its responsibilities to enable functionally equivalent communications services for people with disabilities. Part of this responsibility is ensuring that the funding for TRS remains sustainable. Frontier joins the Commission and those expressing concern "that a 'recent and dramatic spike' in reimbursement requests to the Interstate TRS fund is of such a 'sufficient magnitude to constitute a serious threat to the Fund if not promptly and decisively addressed.'"<sup>4</sup> As noted in ITTA's comments, if the Administrator's proposal is accepted, Frontier will see that very "dramatic spike" with its per line fee more than doubling from the current \$1.04 rate to \$2.52 per line, a 142% increase.<sup>5</sup> Fortunately, there is agreement that the dramatic spike is unnecessary and can be averted.

Each comment filed in response to the *Notice* that addresses the issue of TRS Fund contribution size effectively details that the large increase in the contribution factor almost singly results from the Administrator not accounting for recent FCC rules that would curb the usage of IP CTS.<sup>6</sup> When the FCC put its interim rule modifications in place, the Administrator should have realized that the new regulations would cause a significant decline in IP CTS minutes and

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<sup>3</sup> Comments of the Independent Telephone and Telecommunications Alliance, CG Dkt. Nos. 10-51, 03-123, 1 (filed May 31, 2013) ("ITTA Comments").

<sup>4</sup> Comments of the United States Telecom Association, CG Dkt. Nos. 10-51, 03-123, 2 (filed May 31, 2013) (quoting *In re: Misuse of Internet Protocol (IP) Captioned Telephone Service, Order and Notice of Proposed Rulemaking*, FCC 13-13, 78 Fed. Reg. 8030, ¶1 (Feb. 5, 2013) ("*IP CTS Order*")) ("USTA Comments").

<sup>5</sup> ITTA Comments at 3.

<sup>6</sup> See, e.g., USTA Comments at 2 ("The interim corrective measures adopted by the Commission in its *IP CTS Order* should help control the TRS fund size, particularly if they are adopted (as they should be) on a permanent basis. However, the RLSA's proposed funding projections for the period of July 1, 2013, through June 30, 2014, do not take the Commission's corrective actions into account—and instead propose another massive new increase in fund size that will cause a corresponding spike in consumer prices.").

would not translate into a linear growth pattern based on increasing minutes.<sup>7</sup> It is telling that Sorenson Communications and CaptionCall LLC, companies very much associated with the dramatic increase in IP CTS usage,<sup>8</sup> believe that “RLSA’s proposed contribution factor sets off a false alarm and would dramatically overfund the TRS fund for the coming year” because the Administrator “radically over-projects the IP CTS demand—particularly in light of the changes made by the Commission’s interim rules. . . .”<sup>9</sup> Sorenson has now seen the practical effects of the rules application and can affirm that “the reality is that the interim rules have dramatically slowed subscriber additions and have reduced the number of minutes of IP CTS calls placed by users.”<sup>10</sup> If the company most associated with the rapid increase in demand is telling the Commission IP CTS usage has dramatically curtailed, then the Commission should listen.

It is clear, given the facts on record, that the Commission has an obligation to reconsider the Administrator’s IP CTS projections. Most commenters support using the Industry Projection of 181,429,401 minutes of use as an acceptable demand projection,<sup>11</sup> including the IP CTS providers that rely on the TRS Fund being adequately funded.<sup>12</sup> Frontier supports this proposal.

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<sup>7</sup> See Comments of Hamilton Relay, CG Dkt. Nos. 10-51, 03-123, 7 (filed May 31, 2013) (“It is clear that the various projections that the Administrator puts forward in its report are all based on inaccurate forecasts of ever-increasing minutes of use at unsustainable growth levels caused by Sorenson’s inappropriate marketing practices and other abuses that have since been banned.”) (“Hamilton Relay Comments”).

<sup>8</sup> See *IP CTS Order* at ¶13.

<sup>9</sup> Comments of Sorenson Communications Inc., and CaptionCall LLC, CG Dkt. Nos. 10-51, 03-123, 1-2 (filed May 31, 2013) (“Sorenson Comments”).

<sup>10</sup> *Id.* at 3.

<sup>11</sup> See ITTA Comments at 5; USTA Comments at 2-3.

<sup>12</sup> See Sorenson Comments at 3 (“Thus, the industry’s demand projection—181,429,401 minutes—is likely to be the more accurate of the RLSA projections, and, as it was derived before the IP CTS order’s effects were felt, may itself overstate demand. In no event, however, is it remotely likely that IP CTS minutes will approach 400,000,000 in the upcoming year.”); Hamilton Relay Comments at 7 (“Hamilton believes that the industry projection for IP CTS minutes of use in the 2013-2014 funding year – 181,429,401 minutes – is a more rational, and

In the event that the Commission finds it cannot use the Industry Projection despite all of the record support for its use, the Commission should require a new projection based upon actual data post-IP CTS reform. Sorenson states that “RLSA now has IP CTS data from March and April 2013, from which it can observe the slowing of growth in telephone numbers served, as well as the reduction in average usage per telephone number for those consumers for which “default off” was implemented.” While this is not the preferred approach, it serves to demonstrate that there are a number of approaches that more accurately estimate IP CTS demand following the Commission’s IP CTS reform Order.

For the foregoing reasons the Commission should reject the Administrator’s wildly-inflated TRS Fund proposal and implement the Industry Projection for the 2013-2014 funding year. Doing so will not only be a more accurate reflection of actual demand but will help preserve the viability of the Fund and prevent dramatic rate spikes based on inaccurate projections.

Respectfully submitted,

By: \_\_\_\_/s/\_\_\_\_

Michael D. Saperstein, Jr.  
Frontier Communications  
2300 N St. NW, Suite 710  
Washington, D.C. 20037  
(202) 223-6807

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*(footnote cont’d.)*

likely more accurate, projection of IP CTS minutes of use for 2013-2014 once the impact of the interim rules is taken into account.”).